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Attorneys for Plaintiff  
Wilhelmina E. Howard

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

WILHELMINA E. HOWARD,	)	Case No.: 2:14-cv-01211-GMN-GWF
	)	
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER FOR THE AWARD AND
vs.	)	PAYMENT OF ATTORNEY FEES
	)	AND EXPENSES PURSUANT TO
NANCY A. BERRYHILL, Acting	)	THE EQUAL ACCESS TO JUSTICE
Commissioner of Social Security,	)	ACT, 28 U.S.C. § 2412(d) AND
	)	COSTS PURSUANT TO 28 U.S.C. §
Defendant.	)	1920
	)	
	)	

TO THE HONORABLE GEORGE FOLEY, MAGISTRATE JUDGE OF  
THE DISTRICT COURT:

IT IS HEREBY STIPULATED, by and between the parties through their undersigned counsel, subject to the approval of the Court, that Wilhelmina E. Howard be awarded attorney fees in the amount of Three Thousand, One Hundred dollars (\$3,100.00). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920; 2412(d).

1 After the Court issues an order for EAJA fees to Wilhelmina E. Howard, the  
2 government will consider the matter of Wilhelmina E. Howard's assignment of  
3 EAJA fees to Marc V. Kalagian. The retainer agreement containing the  
4 assignment is attached as exhibit 1. Pursuant to *Astrue v. Ratliff*, 130 S.Ct. 2521,  
5 2529 (2010), the ability to honor the assignment will depend on whether the fees  
6 are subject to any offset allowed under the United States Department of the  
7 Treasury's Offset Program. After the order for EAJA fees is entered, the  
8 government will determine whether they are subject to any offset.

9 Fees shall be made payable to Wilhelmina E. Howard, but if the Department  
10 of the Treasury determines that Wilhelmina E. Howard does not owe a federal  
11 debt, then the government shall cause the payment of fees, expenses and costs to  
12 be made directly to Law Offices of Rohlfing & Kalagian, LLP, pursuant to the  
13 assignment executed by Wilhelmina E. Howard.<sup>1</sup> Any payments made shall be  
14 delivered to Marc V. Kalagian.

15 This stipulation constitutes a compromise settlement of Wilhelmina E.  
16 Howard's request for EAJA attorney fees, and does not constitute an admission of  
17 liability on the part of Defendant under the EAJA or otherwise. Payment of the  
18 agreed amount shall constitute a complete release from, and bar to, any and all  
19 claims that Wilhelmina E. Howard and/or Marc V. Kalagian including Law Offices  
20 of Rohlfing & Kalagian, LLP may have relating to EAJA attorney fees in  
21 connection with this action.

22 This award is without prejudice to the rights of Marc V. Kalagian and/or the  
23 Law Offices of Rohlfing & Kalagian, LLP to seek Social Security Act attorney  
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25 <sup>1</sup> The parties do not stipulate whether counsel for the plaintiff has a cognizable lien  
26 under federal law against the recovery of EAJA fees that survives the Treasury  
Offset Program.

1 fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the  
2 EAJA.

3 DATE: December 11, 2017 Respectfully submitted,

4 LAW OFFICES OF ROHLFING & KALAGIAN, LLP

5 */s/ Marc V. Kalagian*

6 BY: \_\_\_\_\_

Marc V. Kalagian

Attorney for plaintiff Wilhelmina E. Howard

8 DATED: December 11, 2017 STEVEN W. MYHRE  
9 Acting United States Attorney

10 */s/ Asim Modi*

11 BY: \_\_\_\_\_

ASIM MODI

Special Assistant United States Attorney

Attorneys for Defendant NANCY A.

13 BERRYHILL, Acting Commissioner of Social  
14 Security (Per e-mail authorization)

15  
16  
17 **ORDER**

18 Approved and so ordered:

19 DATE: December 13, 2017

20   
21 THE HONORABLE GEORGE FOLEY  
22 UNITED STATES MAGISTRATE JUDGE  
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I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 211 E. Ocean Blvd., Ste. 420, Long Beach, CA 90802.

Ms. Wilhelmina E. Howard  
641 5th Street  
Boulder City, NV 89005

I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Long Beach, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

I declare that I am employed in the office of a member of this court at whose direction the service was made.

/s/ Marc V. Kalagian \_\_\_\_\_  
SIGNATURE

**CERTIFICATE OF SERVICE  
FOR CASE NUMBER 2:14-CV-01211-GMN-GWF**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for this court by using the CM/ECF system on December 12, 2017.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system, except the plaintiff served herewith by mail.

*/s/ Marc V. Kalagian*

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Marc V. Kalagian  
Attorneys for Plaintiff